

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

IN RE NEW MOTOR VEHICLES |
CANADIAN EXPORT ANTITRUST |
LITIGATION |

MDL DOCKET No. 1532

NOTICE TO COUNSEL

The American Bar Association's Section of Antitrust Law is holding its 53rd Spring Meeting in Washington, DC on March 29—April 1, 2005. Information about the Spring Meeting can be found at the American Bar Association website, <http://www.abanet.org/antitrust/programs/mtgspring2005.html>. About three months ago, I was asked by the Trial Chair and Moderator, William J. Blechman, if I would be willing to preside over an Antitrust Mock Trial to be held on March 31. I agreed, after making clear that I would not comment on cases pending before me.

This is the description of the Mock Trial that appears in the Spring Meeting Agenda:

During the relevant period, prices charged by aluminum manufacturers increased sharply as aluminum production slowed. There is circumstantial but no direct evidence of a conspiracy agreement. Were defendants' aluminum prices the product of collusion or just oligopolistic conscious parallelism? The trial asks a jury to answer that question as raised in a Section 1 claim by a beverage company against major aluminum manufacturers. The topic is particularly current because several courts of appeals have recently ruled on the subject. A federal district court judge will preside. The audience will observe the jury deliberate, after which the judge, jury, lawyers and jury consultant will answer questions and provide comments.

Trial Chair/Moderator:

William J. Blechman
Kenny Nachwaltzer, P.A.
Miami, FL

Presenters:

Fred H. Bartlit, Jr.
Bartlit Beck Herman Palenchar & Scott
Chicago, IL

Thomas Slater
Hunton & Williams
Richmond, VA

Karen Walker
Kirkland & Ellis
Washington, DC

Theodore V. Wells
Paul Weiss Rifkind Wharton & Garrison
New York, NY

Economists:

Vandy Howell
Cornerstone Research, Inc.
San Francisco, CA

Gordon Rausser
Charles River Associates, Inc.
Oakland, CA

Two Industry Fact Witnesses:

Brian R. Henry
Senior Counsel—Competition/Retail &
Distribution
The Coca-Cola Company
Atlanta, GA

Charles Rea
Senior Commercial Counsel
US Steel
Pittsburgh, PA

I am aware of no ethical restrictions that would discourage my participation in this legal education program. Because some of the participants, may be employed by or associated with companies or organizations that have been, currently are, or may in the future be, involved in litigation before me, it seems best to disclose formally my attendance and involvement.

DATED: MARCH __, 2005

D. BROCK HORNBY
UNITED STATES DISTRICT JUDGE

**U.S. DISTRICT COURT
DISTRICT OF MAINE (PORTLAND)
CIVIL DOCKET FOR CASE #: 2:03-MD-1532-DBH**

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